

REMARKS

Claims 1-18 are rejected under 35 USC 112, second paragraph, for being indefinite with respect to the claim limitation that requires:

"planner that generates one or more certification goals based on a user profile and an authority profile associated with a certification authority, wherein the planner is responsive to user selection of one or more of the generated certification goals for creating a certification plan."

According to the Action,

It is unclear what Applicant means by the limitation in this claim. The claim language is confusing in that it suggests that the planner generates certification goals, but then suggests that the planner is responsive to user selection of one of the generated certification goals that it has generated in the previous step. It seems as though this limitation relies upon circular reasoning. It is unclear how the planner may only act in response to the selection of the generated certification goals that the planner, itself, must generate. If this is the case, it seems that the planner will never generate anything as the generation is only responsive to an action that depends upon the generation in the first place. For examination purposes, Examiner interprets this claim to mean that a certification plan is generated in response to selection of one or more certification goals. Appropriate clarification is requested.

As best understood, the Action argues that this limitation relies upon circular reasoning because the planner, which generates the certification goals, can only act in response to a user selection of such goal, otherwise, the planner would not generate anything. It is respectfully submitted that the Action reads into the "planner" limitation

superfluous subject matter that is clearly neither expressly present in nor implied by the claim language. Nothing in the planner limitation requires that the generation of certification goals is dependent on the user selection of certification goals. The claim language, however, clearly requires that the planner, once it has generated one or more certification goals, becomes responsive to the user selection of the generated certification goals for creating a certification plan. In other words, first the planner generates certification goals based upon the user profile and authority profile. Next, the user selects certification goals from those generated by the planner. The planner then generates a certification plan. In view of the clarity of the claim language, the Action has incorrectly interpreted this language as circular. For the foregoing reasons, this rejection is respectfully traversed because the "planner" limitation has a clearly defined scope.

Claims 1-7, 9-11 and 13 and 14 stand rejected under 35 USC 103 (a) as being obvious in view of Wenger (US Pub. No. 2003/0233242 A1) in view of L'Allier (US Patent No. 6,604,680). This rejection is respectfully traversed because as set forth below, because the combination of Wegner and L'Allier do not teach each and every one of the claimed limitations.

As stated in response to the previous office action, claim 1 requires a system accessible by a user for planning and tracking certification. According to the claim, a planner generates one or more certification goals based on a user profile and an authority profile associated with a certification authority. It is important to note that claim 1 requires the planner to be responsive to user selection of one or more of the generated certification goals for creating a certification plan, and a tracker that updates the certification plan in response to input regarding achievement of the one or more selected certification goals.

The Action concedes

Wenger, however, fails to explicitly disclose "wherein the planner is responsive to user selection of one or more of the generated certification goals for creating a certification plan".

The Action attempts to cure this deficiency by relying on L'Allier by stating that:

L'Allier discloses an automated system and method for creating an individualized learning program having a planner generate a training regimen responsive to user selection of one or more of the generated training goals (col. 6, line 6-14 discloses a user identifying a skill desired and generating a training regimen based on that desired skill not currently possessed by the user, where the skill is the training goal).

The relevant portions of L'Allier, including Col. 6, lines 6-14 relied upon by the Action, is reproduced below:

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user's studying the curriculum 212, a post-test 214 is retrieved and presented, the results of which are fed to the individual's skills database 204. Further, if the user does not achieve the desired skill level, further curriculum 212 is provided for study.

FIG. 2A is a flow diagram of the method 40 for creating an individual development plan. In this aspect of the method the organization, typically by way of a supervisor or manager, identifies a skill and skill level desired to be possessed by the user 401. The system 10 then accesses the skills database 402 and retrieves the user's skills and skill levels 403. If the desired skill is not already possessed by user 404, the desired skill is mapped with the appropriate training regimen 406. If the desired skill is already possessed by the user 404, the system then checks whether the desired skill level is less than or equal to the user's skill level 405. If so, the system exits 408. If the desired skill level is greater than that possessed by the user 405, the desired skill is mapped with the appropriate training regimen 406; that is, the skills domain is mapped to the training domain.

Having carefully read the cited section, the applicant can not find any teaching or suggestion in L'Allier regarding the required claimed limitation of "user selection of one or more generated certification goals for creating a certification plan." In lines 6 and 7, L'Allier

does indeed teach creating an individual development plan. Even assuming, arguendo, that such individual development plan is a certification plan, there is still no teaching in L'Allier regarding a user selecting any training goals for creating the plan. Starting in line 10, L'Allier states that the system 10 retrieves relevant skills and maps such skills with a training regimen.

The fact that the system 10 performs such mapping establishes that there is no user involvement in creating the development plan. Rather it appears that the system creates the plan without user involvement. Unlike the present invention, L'Allier, in lines 8 and 9, discloses a supervisor or manager identifying skills desired to be possessed by the user. The intervention of a supervisor or manager leads one to conclude that the user himself or herself is not involved in the selection of training goals. Claim 1, however, specifically requires the planner to be responsive to user selection of one or more of the generated certification goals for creating a certification plan. Thus, according to the claim, the user is required to select one or more certification goals to create the certification plan. There is no teaching or suggestion in L'Allier regarding user involvement in selecting the training goals. A system that automatically maps a set of skills to a training regimen, as taught by L'Allier, does not anticipate a user selecting certification goals for creating a certification plan, as required by the claimed invention.

With respect to the tracker requirement in the claim, the Action once again states that Wenger teaches:

"and a tracker that updates the certification plan in response to input regarding achievement of the one or more selected certification goals" (pg. 4, ¶ 31; via tracks credits achieved through training or portfolio processes).

However, the claim requires the tracker to update (emphasis added) the certification plan. Tracking of the credits as taught by Wenger is akin to tracking certification goals under the reasoning adopted by the Action. **Claim 1, however, does not require tracking the certification goals. Instead, the tracker is used to update the certification plan that is created by selection of the certification goals.** As stated previously, in the present invention the certification goals and the certification plan are different. In fact, the certification plan represents a subset of the certification goals. As conceded by the Action, Wenger does not teach the selection of certification goals to create a certification plan; therefore Wenger cannot teach a tracker that tracks selection of certification goals. The tracker in the present invention tracks the subset certification plan.

For the reasons set forth above it is submitted that the combination of Wenger and L'Allier fails to make the claimed invention obvious because the claimed invention includes a number of limitations not disclosed, taught or suggested in the combination. Therefore, a Notice of Allowance is respectfully requested.

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If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Respectfully submitted,

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